

RESOLUTION NO. RS2019-1715 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Risa Dinberg against the Metropolitan Government in the amount of \$175,000.

On March 22, 2015, Ms. Dinberg was walking on the sidewalk on Broadway near First Avenue when tripped on the sidewalk and fell, injuring her right knee, shoulder, and arm. She said that, at the time, she did not notice the condition of the sidewalk, which she has since testified was in a state of disrepair and uneven. Public Works had not received any reports concerning the condition of the sidewalk before Ms. Dinberg's fall and received no reports as a result of her fall. The state of the sidewalk was discovered by Public Works in July 2015, as reflected in a work order dated July 15, 2015. The sidewalk was repaired in August 2015. Although the Metropolitan Government had no actual notice of the sidewalk's condition, the court will likely find that Metro had constructive notice of the defective condition because the advanced state of deterioration likely resulted from improper maintenance, and the defect occurred in a heavily trafficked area. Ms. Dinberg sought treatment for a shoulder fracture and dislocation, resulting from the fall, which required surgery to place a metal plate in her shoulder. She may further require physical therapy or steroid injections in the future. She has agreed to accept a total of \$175,000 in full settlement of this case, based upon \$74,105.81 for reimbursement of her medical expenses plus \$100,894.19 for pain and suffering.

The Department of Law recommends settlement of this claim for \$175,000.

Fiscal Note: This \$175,000 settlement would be the thirty-third payment from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,485,556.08. The fund balance would be \$3,710,369 after this payment.